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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

September 25, 2006

MISC. ORDER 2006-015

Associate Justice M. Kathleen Butz is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 77, and 78, during the absence of the Presiding Justice from the court on September 28, 2006, through October 13, 2006, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Scotland, P.J.

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Sims, Associate Justice; and Guzman, bailiff.

C049827 OROVILLE HOSPITAL v. DEPARTMENT OF HEALTH SERVICES

Cause called. Craig Cannizzo argued and Douglas S. Cumming appeared only for appellant. Barbara Haukedalen, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:04 a.m., the court recessed. At 10:12 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Butz, Associate Justice.

C046135 FRANKLIN v. UNION PACIFIC RAILROAD COMPANY

Cause called. Joseph P. Mascovich argued for appellant. John M. Riesterberg argued for respondent. Cause submitted.

At 10:46 a.m., the court recessed. At 2:00 p.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C050680 GERAWAN FARMING, INC. v. LOCKYER, as Attorney General etc. and ZINGALE

Cause called. Melody A Hawkins argued for appellant. Jonathan K. Renner, Deputy Attorney General, argued for respondent. Thomas A. Willis, argued for real party in interest. Cause submitted.

At 2:16 p.m., the court recessed until, 9:30 a.m., Monday, October 16, 2006.

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September 25, 2006, continued

- C048591 THE PEOPLE v. HARMON, JR. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Scotland, P.J.
Robie, J.
- C049378 THE PEOPLE v. SOUZA (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.
- C049573 THE PEOPLE v. JENKINS (Certified for Partial Publication)**
The trial court is directed to prepare a corrected abstract of judgment staying the sentence on count one and to forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. As modified, we affirm the judgment of conviction.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C050611 THE PEOPLE v. ETCHEGOIN (Not for Publication)**
The order reinstating probation is affirmed.
MORRISON, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C051014 THE PEOPLE v. HAWS (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Raye, J.
Morrison, J.
- C051454 THE PEOPLE v. INIQUEZ (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
The matter is remanded to the trial court for the preparation of an amended abstract of judgment reflecting the specified modifications. The trial court shall send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
MORRISON, J.
We Concur: Sims, Acting P.J.
Hull, J.

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Morrison, J.

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- C051392 THE PEOPLE v. PINKERMAN (Not for Publication)**
The orders requiring defendant to pay attorney fees and the drug program fee are stricken, and the matter is remanded to the trial court for a determination of defendant's ability to pay the attorney fees of \$540 and the drug program fee of \$150. The judgment is affirmed in all other respects.
SIMS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C052030 PETTIGREW v. WORKERS' COMPENSATION APPEALS BOARD,
CALIFORNIA DEPARTMENT OF CORRECTIONS AND
REHABILITATION et al. (CERTIFIED FOR PUBLICATION)**
The order of the WCAB is affirmed. The parties shall bear their own costs on the writ petition. (Cal. Rules of Court, rule 56(1).)
HULL, J.
We Concur: Scotland, P.J.
Raye, J.

September 27, 2006

- C050508 THE PEOPLE v. JOHNSON, JR. (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Davis, J.
- C050872 THE PEOPLE v. ESQUIVEL (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.
- C051369 THE PEOPLE v. SCOTT (Not for Publication)**
The trial court is directed to prepare a corrected abstract of judgment reflecting that the trial court reserved jurisdiction over victim restitution, and to forward a certified copy to the Department of Corrections and Rehabilitation. The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Hull, J.

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- C051500 THE PEOPLE v. BURTON (Certified for Publication)**
The judgment is affirmed. **(Certified for Publication.)**
DAVIS, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C048286 WRYSINSKI v. AGILENT TECHNOLOGIES, INC. (Not for Publication)**
The judgment is affirmed. Plaintiff is awarded her costs and attorney fees on appeal.
HULL, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C048373 WINSTON v. TAYLOR et al. (Not for Publication)**
The September 21, 2004, and September 29, 2004, judgments in favor of defendants are reversed. The trial court is directed to vacate its order sustaining defendants' demurrers to plaintiff's third amended complaint without leave to amend and to enter a new order sustaining the demurrers with leave to amend. Plaintiff shall recover her costs on appeal. (Cal. Rules of Court, rule 27(a)(1).)
SIMS, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.
- C049908 ESCOBEDO v. ESCOBEDO (Not for Publication)**
The judgment is affirmed. Kathleen is awarded her costs on appeal. (Cal. Rules of Court, rule 27(a).)
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Hull, J.
- C050220 U.S. NATIONAL LEASING, LLC. v. FRAZIER CONSTRUCTION, INC. (Not for Publication)**
The judgment is affirmed. U.S. National shall recover costs on appeal.
RAYE, J.
We Concur: Davis, Acting P.J.
Hull, J.

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September 27, 2006, continued

C049817 **In re JOHN N.; THE PEOPLE v. JOHN N. (Not for Publication)**
The judgment (dispositional order) is modified, reducing the amount of victim restitution to \$302.59. As modified, the order is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.

September 28, 2006

C047514 **THE PEOPLE v. PEETE**
C047770 **THE PEOPLE v. COURTNEY (Not for Publication)**
The parole revocation fines are stricken and the judgment is affirmed in all other respects.
RAYE, Acting P.J.
We Concur: Morrison, J.
 Cantil-Sakauye, J.

C049082 **THE PEOPLE v. WOODFORK (Not for Publication)**
We direct the trial court to amend the abstract of judgment... The trial court is directed to send a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Raye, J.
 Hull, J.

C050870 **THE PEOPLE v. SMITH (Not for Publication)**
The trial court is directed to amend the abstract of judgment... The trial court is ordered to determine a valid statutory basis for the \$532 "DUI fine," or in the alternative, to strike the fine and to send a corrected copy of the abstract of judgment to the Department of Corrections and Rehabilitation.
In all other respects, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Davis, Acting P.J.
 Hull, J.

C051166 **THE PEOPLE v. MILLER (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Sims, Acting P.J.
 Raye, J.

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- C051545 THE PEOPLE v. CRAIG, SR. (Not for Publication)**
The clerk of the superior court is ordered to correct the abstract... The clerk must then send a copy to the California Department of Corrections and Rehabilitation. With this correction, the judgment is affirmed.
Morrison, J.
We Concur: Sims, Acting P.J.
 Raye, J.
- C049377 HINTON v. BECK et al. and GRANGE INSURANCE GROUP et al. (Not for Publication)**
The judgment (order) setting aside the judgment of February 26, 2003, is affirmed. The judgment (order) dismissing the action is reversed. Plaintiff shall recover her costs on appeal.
BLEASE, J.
We Concur: Scotland, P.J.
 Sims, J.
- C051757 In re K.G.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES v. TARA G. (Not for Publication)**
The order terminating parental rights is affirmed.
SIMS, Acting P.J.
We Concur: Davis, J.
 Hull, J.
- C049284 MID VALLEY AGRICULTURAL SERVICES, INC., et al. v. JANSSEN et al. and HIRSCH, ETC., et al. BY THE COURT:**
The petition for writ of supersedeas filed March 24, 2005, is denied. The stay order previously issued on March 24, 2005, is vacated. The appeal filed March 2, 2005, is dismissed for lack of jurisdiction. The cross-appeal filed April 6, 2005, is dismissed as moot.
BLEASE, Acting P.J.

September 29, 2006

- C049367 THE PEOPLE v. JONES (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
 Butz, J.

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- C049678 THE PEOPLE v. BREJCHA (Not for Publication)**
The matter is remanded to the trial court with directions to set a new sentencing hearing before Judge O'Connor. If she is unavailable, the court shall so note in a written order that is filed and served on the parties. In that event, defendant shall have the opportunity to withdraw his plea and, if he does so, for further proceedings. Should he fail to withdraw the plea within 60 days of the date of the order notifying him of Judge O'Connor's unavailability, the judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
 Butz, J.
- C049904 TWIN RIVERS RANCH v. RENWOOD PROPERTIES, LTD., et al.**
C051401 TWIN RIVERS RANCH v. RENWOOD PROPERTIES, LTD., et al.
In case No. C049904, the judgment is affirmed...
... In case No. C051401, the order denying Renwood Properties' motion for attorney fees and costs and the order granting Twin Rivers' motion for sanctions are reversed, and the matter is remanded to the trial court for further proceedings on the motion for attorney fees and costs. Appellants (the Renwood defendants) shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a)(1).)
ROBIE, J.
We Concur: Scotland, P.J.
 Butz, J.
- C050680 GERAWAN FARMING, INC. v. BILL LOCKYER, as Attorney General etc. et al. and ZINGALE (Not for Publication)**
The appeal is dismissed as moot.
MORRISON, J.
We Concur: Davis, Acting P.J.
 Butz, J.
- C051591 In re PATRICK N.; THE PEOPLE v. PATRICK N. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
 Cantil-Sakauye, J.

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Butz, J.